

may be separate components which are hinged or otherwise suitably connected to the legs 18. (Column 1, lines 67 to column 2, line 2). In addition, connector members 26 are secured to the lower ends of the lens 24 and permit transverse or rotational movement about the legs 18.

Claim 1 requires a pair of temples to be hingedly secured to a respective lens support "near a bottom of said frame. . .". Kneier does not describe or teach such a structure. As illustrated in Figs. 1 and 2, the temples 14 are either extensions of the legs 18 or are hinged to the legs 18. There is no teaching that the temples 14 are hinged "near a bottom" of the legs 18. Instead, each temple 14 is an extension of a leg 18. Said another way, the legs 18 of Kneier do not constitute a "frame".

Claim 1 further requires a nose piece "for resting on a nose of a user with said lens supports spaced from the eyes of the user to permit access...laterally of said frame for the application of makeup.". Clearly, Kneier does not describe or teach access to the eyes of a user from the side.

Note is made of the Examiner's allegation that Kneier does not prohibit a user to apply makeup to the eyes by moving the nosepiece 16 along the nose to provide a sufficient space for the application of makeup. Issue is taken in this respect. Clearly, as shown in Figs. 1 and 2, the temples 14 hook about the ears of the user. Accordingly, the user cannot move the nosepiece 16 forwardly along the nose in order to space the lenses 24 from the eyes of the user. Thus, Kneier does prohibit the user from moving the nosepiece along the nose.

In view of the above, a rejection of claim 1 as being unpatentable over Kneier is not warranted pursuant to the provisions of 35 USC 103.

Claims 2 to 9 depend from claim 1 and are believed to be allowable for similar reasons.

Claim 2 further requires that "each lens support has a greater height than width thereof". In Kneier, the connector members 26 do not have a greater height than width. Accordingly, a rejection of claim 2 as being unpatentable over Kneier is not warranted pursuant to the provisions of 35 USC 103.

Claim 3 requires that each temple be hingedly secured to a respective support "on an axis inclined to a vertical plane". There is no such teaching in Kneier.

Accordingly, a rejection of claim 3 as being unpatentable over Kneier is not warranted pursuant to the provisions of 35 USC 103.

Claim 4 depends from claim 3 and further requires "a mounting block on each said support having a respective temple hingedly mounted thereon". Kneier is void of any such teaching. Accordingly, a rejection of claim 4 as being unpatentable over Kneier is not warranted pursuant to the provisions of 35 USC 103.

Claim 10 contains recitations similar to claim 1 and is believed to be allowable for similar reasons.

Claim 11 depends from claim 10 and contains recitations similar to claim 2. For reasons as expressed above with respect to claims 1 and 2, a rejection of claim 11 as being unpatentable over Kneier is not warranted pursuant to the provisions of 35 USC 103.

Note is made to the objection to the term "selective" in claim 10. However, it is submitted that the term is appropriate in indicating that the diopter for the lenses may be selected from one or more sizes. Use of the term "predetermined" would imply that there is only one diopter that can be used.

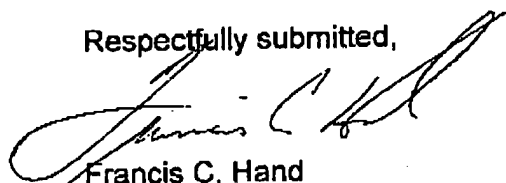
The remaining references have been reviewed; however, neither is believed to be further pertinent to the claimed structure taken alone or in combination.

The application is believed to be in condition for allowance and such is respectfully requested.

FIRST CLASS CERTIFICATE	
I hereby certify that this correspondence is being deposited today with the U.S. Postal Service as First Class Mail in an envelope addressed to:	
Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	
Francis C. Hand, Esq.	Date

231102

Respectfully submitted,


Francis C. Hand
Reg. No. 22,280

CARELLA, BYRNE BAIN, GILFILLAN,
CECCHI, STEWART & OLSTEIN
Five Becker Farm Road
Roseland, NJ 07068
Phone: 973-994-1700
Fax: 973-994-1744

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.